

Resumé

Alternatives to unconditional imprisonment

The name of my diploma thesis is The Alternatives to Unconditional Imprisonment. I chose this topic because it is the actual theme, the crime rate raises and alternative punishments represent new options how to deal with increasing criminality and matters related to it. Czech Republic and other countries are forced to deal with problems related to increasing amount of imprisoned persons. Unconditional sentence is accompanied with many negative consequences, such as interruption of social bonds, adaption to prison culture and difficult comeback into society after the imprisonment. This is very wide topic and I more concentrated on community service order, monetary fines and suspended sentence (including suspended sentence with supervision). The aim of my diploma thesis was summarize current legal regulation, mainly a new Criminal Code, and some problems in practice.

The thesis is composed of eleven chapters; some of them are divided into subchapters.

The first part of my thesis including chapter 2 – 4 is introductory and deals with the term of punishment, its purpose and individual theories of punishment. Next one is the concept of restorative justice, because the alternative sanctions are result from it. Restorative justice conception brings a new look on resolution of criminality problems and a crime is looked at as a social conflict which must be solved together with all concerned subjects. In this part I also briefly described historical development of alternative punishment and influence of the international organisations, especially United Nations and The Council of Europe.

The fourth chapter concentrates on characteristics of aims of the Czech Probation and Mediation Service. Probation and Mediation Service is a component of a new applying principle of restorative justice. Firstly the workers provide execution of some alternative punishments and secondly they take part in finding out information about

offenders, their motives, social and family background as well as about damaged (victims).

The most extensive part including chapter 5 – 11 is the mainly part of the thesis. Chapter five describes the community service order, which restricts liberty to perform demanding unpaid work on a specified project of benefit to the community. In chapter six I described the monetary fine, which is the oldest community sanction and which has in our country long tradition. In the seventh chapter I concentrated on suspended sentence of the performance of a sentence of imprisonment, which is a most frequently used punishment. In following chapters other alternative punishments are discussed, two new sanctions including the house arrest and its future realisation, control of house arrest by Probation and Mediation Service or by electronic monitoring and less frequently used punishments, such as prohibition of professional activity, forfeiture of property or banishment.

The last, eleventh chapter deals with the problematic of alternative punishments and its usage in practise and its position in penal system.

I expect my thesis give a complex view about alternative sanctions in criminal law and it also brings some knowledge about these institutes and their advantages and disadvantages.

Klíčová slova

Alternativy nepodmíněného trestu odnětí svobody, Obecně prospěšné práce, Peněžitý trest

Keywords

Alternatives to unconditional imprisonment, Community service order, Monetary fine